



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. BOX 3378  
HONOLULU, HAWAII 96801-3378

to:

In reply, please refer

EMD / CWB

05084PGY.03c

**DATE: May 30, 2003**  
**NPDES PERMIT NO.: HI 0021799**

**PERMIT RATIONALE:**      **APPLICATION FOR NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM (NPDES) PERMIT TO DISCHARGE  
TO THE WATERS OF THE UNITED STATES**

**PERMITTEE:**              **U.S. ARMY ENGINEER DISTRICT, HONOLULU**

**FACILITY:**                **KAUMALAPAU HARBOR BREAKWATER REPAIR**

**FACILITY ADDRESS**

Kaumalapau Road  
Lanai, Maui, Hawaii

**PERMITTEE MAILING ADDRESS**

U.S. Army Engineer District, Honolulu  
U.S. Army Corps of Engineers  
Department of the Army  
Building 230  
Fort Shafter, Hawaii 96858-5440  
Contact:      Mr. James Hatashima  
Engineer  
Telephone No.:      (808) 438-2264  
Fax No.:              (808) 438-0430

**PERMIT STATUS**

On October 7, 2002, the Permittee submitted an application for coverage under the NPDES Individual Permit to discharge storm water runoff associated with construction activity to an unnamed bay just north of Kaumalapau Harbor on the island of Lanai. The Permittee via their authorized representative, M&E Pacific, Inc., has since submitted the Signatory and Certification Statement to the NPDES Permit application and additional information to complete the application. The proposed permit would become effective upon issuance and expire at midnight, May 31, 2007.

The Director of Health (Director) proposes to issue a permit to discharge to the waters of the State and has included in the proposed draft permit those terms and conditions which the Director determined are necessary to carry out the provisions of the Federal Water Pollution Control Act (PL 92-500), Federal Clean Water Act of 1977 (PL 95-217) and Chapter 342D, Hawaii Revised Statutes.

## **SCOPE OF THE CONSTRUCTION ACTIVITY AND LOCATION OF THE PROJECT**

The proposed project involves the rebuilding of the Kaumalapau Harbor Breakwater which is located in Kaumalapau Harbor. The existing rubble mound breakwater will be reshaped to form the core and new concrete armor units will be installed over the core. The actual construction site is located in-water. In-water construction activities will be supported by a land-based work and storage area for which the NPDES permit is sought. The land-based work and storage area may contain a field office, parking, small concrete batch plant to produce armor units and material storage. Site work will include grading, staging and erosion control. The exact scope of the Contractor's land-based activities are not yet defined. Non-storm water generated from activities at the land-based work and storage area will be directed and collected on-site within containment areas for evaporation and percolation and will not be discharged into State waters. The Contractor will be required to submit a site-specific construction Best Management Practices (BMPs) plan 30 days before the commencement of work. The construction of the breakwater is estimated to begin in the latter half of 2003 and require approximately 24 months to complete.

## **RECEIVING WATER CLASSIFICATION**

The storm water runoff from the project site will discharge to the unnamed bay located just north of Kaumalapau Harbor. The receiving water is classified by the Department of Health (DOH) as Class AA, Marine Water. The objective of Class AA waters is to remain in their natural pristine state as nearly as possible with an absolute minimum of pollution or alteration of water quality from any human-caused source or actions. To the extent practicable, the wilderness character of these areas shall be protected.

The uses to be protected in this class of waters are oceanographic research, the support and propagation of shellfish and other marine life, conservation of coral reefs and wilderness areas, compatible recreation, and aesthetic enjoyment. The classification of any water area as Class AA shall not preclude other uses of the waters compatible with these objectives and in conformance with the criteria applicable to them.

These waters shall not act as receiving waters for any discharge which has not received the best degree of treatment or control compatible with the criteria established for this class.

## **OCEAN DISCHARGE CRITERIA**

The Director has considered the Ocean Discharge Criteria, established pursuant to Section 403(c) of the Clean Water Act for the discharge of pollutants into the territorial sea, the waters of the contiguous zone, or the oceans. The EPA has promulgated regulations for Ocean Discharge Criteria in 40 Code of Federal Regulations Part 125 , Subpart M. Therefore, the Director has determined that the discharge will not

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cause unreasonable degradation to the marine environment. Based on current information, the Director proposes to issue a permit.

**DESCRIPTION OF THE PROPOSED DISCHARGE**

Storm water runoff from the project site will discharge to the unnamed bay located just north of Kaumalapau Harbor. Pollutants will be removed from the storm water runoff at the land-based work and storage area through use of BMPs, including, but not limited to, silt fencing.

**PERMIT CONDITIONS**

The Director has considered the permit conditions to discharge storm water runoff associated with construction activity, established pursuant to the Federal Water Pollution Control Act, Federal Clean Water Act, and the Hawaii Revised Statutes. The Director has determined that the discharge will not cause unreasonable degradation to the receiving inland water environment. Therefore, based on current information, the Director proposes to issue a permit.

**PROPOSED DETERMINATIONS**

Based on the activities proposed, nutrient and toxic parameters are not required. Any non-storm water generated from activities at the land-based work and storage area will be directed and collected on-site within containment areas for evaporation and percolation and will not be discharged into State waters.

The proposed requirements are determined to be applicable to the permit conditions, so as not to cause unreasonable degradation to the receiving inland water. These requirements are incorporated into the draft permit as follows:

**A. General Requirements:**

1. The Permittee shall comply with all materials submitted in and with the application and/or later amendments to the application.

This provision will ensure that the Permittee shall implement the Erosion Control Plan and the BMPs, that was submitted with the permit application.

2. Retain a copy of the application, including other related materials, and the Permit at the job site or at a nearby field office.

This provision will ensure that the Permit is readily available for reference and presentation upon request by the DOH's representative when he/she is at the job site to follow up on the project's

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compliance or non-compliance (violation) of the permits' terms and conditions.

3. The Permittee shall ensure that anyone working under the permit complies with the terms and conditions of the permit.
4. The Permittee shall take all reasonable steps to minimize or prevent any discharge or disposal of sediments, oil, fuel, pesticides or any other pollutants which will cause or contribute to a violation of the permit or applicable law. The Permittee shall dispose of sediments or any other pollutant generated by the construction site in a manner which prevents its entering or polluting any surface or subsurface water.
5. The Permittee shall submit all information under the permit with a signed certification, certifying under penalty of law that the information submitted is true, accurate, and complete, and that he/she is aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.
6. The Permittee shall obtain all necessary permits, certifications, approvals, etc. from all pertinent agencies for the subject project.
7. The Permittee shall submit all information required under this permit to the following address:

Clean Water Branch  
Environmental Management Division  
Department of Health  
P.O. Box 3378  
Honolulu, HI 96801-3378

**B. Discharge Monitoring Requirements:**

1. The Permittee is required to timely inspect the receiving State waters, discharge effluent, control measures, and BMPs to detect violations of and conditions which may cause or contribute to a violation of the basic water quality criteria as specified in Section I of the Standard NPDES Permit December 31, 2002.

This requirement is to assure that the implemented BMPs are effective and the discharge effluent is in compliance with the basic State water quality standards.

2. The Permittee is required to review and update the effectiveness and adequacy of the implemented site-specific BMPs plan(s) and sediment and erosion control plan(s) as often as necessary. Any

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changes(s) to the site-specific BMPs plans and/or sediment and erosion control plans or correction(s) to information already on file with the DOH shall be submitted to the Clean Water Branch as such change(s) or correction(s) arises.

The BMPs measures installed at the beginning of a construction activity may not be adequate for the later part of the construction activity. Therefore, the BMPs measures need to be reviewed and updated as the construction proceeds. The inadequate BMPs measures shall be replaced with appropriate measures that are suitable to the current conditions. The DOH shall be kept updated about the new BMPs being used at the site.

**C. Reporting Requirements:**

1. The Permittee shall submit the following information to the DOH for review and comment at least 30 days prior to the commencement of construction activities:
  - a. Any general contractor's information which was not identified in the submitted information. The information must include the general contractor's legal name, address (location where papers can be hand-delivered), contact person and title, telephone and fax numbers.
  - b. A site-specific construction Best Management Practices (BMPs) plan for the land-based work and storage area in accordance with Item 15 of the CWB-NOI Form C (revised/November 20, 2002).
  - c. A timetable for major construction activities including the date when the contractor will begin and end site disturbance, and when erosion and sediment control measures will be implemented and removed.

All related concerns and comments shall be properly addressed to the DOH's satisfaction before any discharge occurs.

2. The Permittee shall complete and submit the enclosed Solid Waste Disclosure Form for Construction Sites to the Office of Solid Waste Management as specified on the form.
3. The Permittee shall submit any changes to information on file with the DOH as soon as changes arise and properly address all related concerns and/or comments to the DOH's satisfaction.
4. The Permittee shall notify the DOH upon termination of the discharge activities.